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| 09/874,106 | 06/04/2001 | Shell S. Simpson | 10007657-1 | 6046 |

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EXAMINER

SHINGLES, KRISTIE D

| ART UNIT | PAPER NUMBER |
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2141

DATE MAILED: 04/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/874,106

Applicant(s)

SIMPSON ET AL.

Examiner

Kristie Shingles

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 and 18-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 and 18-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

Applicant has no amended claims. Claim 17 is cancelled.

Claims 1-16 and 18-36 are pending.

Response to Arguments

1. Applicant's arguments, see Remarks pages 11-16, filed 1/20/2006, with respect to the rejection(s) of claim(s) 1, 19 and 36 under 35 U.S.C 102(e) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of *Wood et al* (US 6,732,162).

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. **Claims 1-16 and 18-36** are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The independent claims, claims 1, 19 and 36 contain subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. In particular, claim language of the independent claims has been amended to include the limitation: "said imaging data being

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continuously made available (emphasis added) from said personal imaging repository to other web services”.

4. Applicant has attempted to provide support for the claimed limitation “said imaging data being *continuously made available*” by referencing the specification’s teaching that once saved, the image data “can be freely utilized by any other available web services...at a later time”. However this recitation fails to adequately support the claimed limitation and is inconsistent with the claim language. Data being freely utilized at a later time is not commensurate with data being continuously made available, wherein data being continuously made available could be interpreted as the data always being available. Therefore, Applicant’s argument in response to the above 35 U.S.C. 112, first paragraph rejection is not persuasive and the rejection is maintained. For purposes of examination, Examiner interprets “continuously made available” to mean that following storage of the image data in the repository, the data is made available for access.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 1-16, 18-27, 29-32 and 34-36** are rejected under 35 U.S.C. 103(a) as being unpatentable over *Anderson* (US 6,499,016) in view of *Wood et al* (US 6,732,162).

a. **Per claim 1**, *Anderson* teaches a system for searching imaging data comprising digital data capable of being represented as two dimensional graphics stored in a personal imaging repository by a requested web service operatively connected to a computing device requesting the service, comprising:

- a computing device for requesting service with the requested web service (Abstract, col.2 lines 53-67);
- a personal imaging repository associated with a particular user profile for storing imaging data that is to be accessed by the requested web service (col.2 lines 56-67, col.3 lines 10-67, col.5 lines 20-30, col.5 line 64-col.6 line 8, col.6 lines 32-42), wherein said personal imaging repository is an exchange infrastructure between the imaging data and available web services (col.2 lines 56-67, col.5 lines 10-19, col.6 lines 32-42);
- user information for allowing access to said personal imaging repository (col.5 lines 20-30); and,
- a requested web service for servicing the imaging data stored in said personal imaging repository responsive to a request from a user and upon having access to said personal imaging repository granted upon receiving said user profile (col.5 line 64-col.6 line 8),
- wherein said imaging data is maintained in said personal imaging repository once said imaging data is service for at first time (col.6 lines 9-51).

Yet *Anderson* fails to explicitly teach wherein said imaging data being continuously made available from said personal imaging repository to other web services. However, *Wood et al* teach the maintenance of user's digital images and graphical files in a database that makes the images and files available to other web site services (col.3 lines 8-19, col.3 line 65-col.4 line 24, col.5 lines 38-57, col.6 line 43-col.7 line 7, col.8 line 2-47, col.9 lines 29-35, col.10 lines 54-67).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of *Anderson* and *Wood et al* for the purpose of

provisioning availability of the user's images to other web services, in order to aid in distribution and utilization of the images according to the user's demands. This keeps the user from having to individually access, distribute and upload images to other web sites and using the images by offering a database capable of communicating the images to the other web servers.

b. **Claims 19 and 36** contain limitations that are substantially equivalent to claim 1, differing only in statutory class, and are therefore rejected under the same basis.

c. **Per claim 2**, *Anderson* and *Wood et al* teach the system as defined in claim 1, *Anderson* further teaches wherein said requested web service sends a web content responsive to a service request from said computing device (Abstract, col.2 lines 53-67, col.6 lines 19-42).

d. **Per claim 3**, *Anderson* teaches the system as defined in claim 2 wherein said web content causes said user information to be sent to said web service (col.5 lines 20-30, col.6 lines 19-42; *Wood et al*: col.9 lines 29-35, col.10 lines 54-67).

e. **Per claim 4**, *Anderson* teaches the system as defined in claim 3 wherein said web service accesses said personal imaging repository using said user information (col.5 lines 20-35, col.6 lines 2-8).

f. **Per claim 5**, *Anderson* and *Wood et al* teach the system as defined in claim 1, *Anderson* further teaches wherein said web service is provided through a web server (Figure 1, col.2 lines 61-67, col.5 lines 10-19, col.6 lines 19-31; *Wood et al*: col.3 lines 14-19).

g. **Per claim 6**, *Anderson* and *Wood et al* teach the system as defined in claim 1, *Anderson* further teaches wherein said computing device further includes a web browser for displaying and executing web content from the available web services (col.6 lines 19-31; *Wood et al*: col.5 lines 19-20).

h. **Per claim 7**, *Anderson* and *Wood et al* teach the system as defined in claim 1, *Anderson* further teaches wherein said personal imaging repository provides the imaging data in a plurality of file formats (col.3 lines 30-49; *Wood et al*: col.4 lines 22-35 and 65-67).

i. **Per claim 8**, *Wood et al* teach the system as defined in claim 7, wherein said personal imaging repository further comprising a converter for converting the imaging data to any of said plurality of file formats (col.4 lines 65-67, col.9 lines 5-14).

j. **Per claim 9**, *Wood et al* teach the system as defined in claim 7 wherein said plurality of file formats of said personal imaging repository is any one from the group consisting of: Joint Photographic Experts Group Format; Graphics Interchange Format; Portable Network Graphics Format; Tagged Image File Format; Portable Document Format; and, Microsoft Windows bitmap format (col.4 lines 28-29, col.9 lines 37-39, col.24 lines 50-67).

k. **Per claim 10**, *Anderson* and *Wood et al* teach the system as defined in claim 1, *Anderson* further teaches wherein said personal imaging repository comprises an imaging data store for storing imaging data (col.2 lines 2-15 and 53-67, col.3 lines 15-30; *Wood et al*: col.3 lines 22-24, col.5 lines 1-6, col.10 lines 57-62).

l. **Per claim 11**, *Anderson* and *Wood et al* teach the system as defined in claim 1, *Anderson* further teaches wherein said personal imaging repository comprises a plurality of imaging data stores for storing imaging data (col.5 lines 10-30 and col.5 line 64-31; *Wood et al*: col.9 line 52-col.10 line 15, col.10 lines 54-62).

m. **Per claim 12**, *Anderson* and *Wood et al* teach the system as defined in claim 11, *Anderson* further teaches wherein one of said plurality of imaging data stores is assigned to the

user associated with said personal imaging repository for user usage (col.5 lines 10-30 and col.5 line 64-col.6 line 31; *Wood et al.*: col.9 line 52-col.10 line 15, col.10 lines 54-62).

n. **Per claim 13**, *Wood et al* teach the system as defined in claim 11 wherein one of said plurality of imaging data stores is assigned to a web service for storing imaging data available to the public (col.3 lines 8-19, col.3 line 65-col.4 line 24, col.5 lines 38-57, col.6 line 43-col.7 line 7, col.8 line 2-47, col.9 lines 29-35, col.10 lines 54-67).

o. **Per claim 14**, *Anderson* and *Wood et al* teach the system as defined in claim 1, *Anderson* further teaches wherein said personal imaging repository comprises a composition store for storing imaging compositions of imaging data serviced as a single unit (col.3 line 50-col.4 line 47).

p. **Per claim 15**, *Anderson* and *Wood et al* teach the system as defined in claim 14, *Anderson* further teaches wherein an imaging composition comprises a link to each imaging data (col.5 lines 20-30, col.6 lines 5-8; *Wood et al.*: col.5 lines 49-56, col.6 lines 53-61).

q. **Per claim 16**, *Anderson* and *Wood et al* teach the system as defined in claim 1, *Anderson* further teaches wherein said user information is identification and security information used for accessing said personal imaging repository (col.5 lines 20-21, col.6 lines 38-39; *Wood et al.*: col.12 lines 66-67).

r. **Per claim 18**, *Anderson* and *Wood et al* teach the system as defined in claim 1, *Anderson* further teaches wherein said user information is stored on the computing device (col.5 lines 10-21; *Wood et al.*: col.6 lines 36-39).

s. **Per claim 20**, *Anderson* teaches the method according to claim 19 wherein said step of requesting service further comprising the steps of: requesting web content from the

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requested web service by the browser of the computing device (col.6 lines 21-34); receiving the request for web content from the browser by the requested web service (col.6 lines 28-38); sending web content to the browser by the requested web service responsive to the request for web content (col.6 lines 32-41); receiving the web content from the web service by the browser (col.6 lines 29-30); and, displaying and executing the web content by the browser (col.6 lines 24-42).

t. **Per claim 21**, *Anderson* teaches the method according to claim 20 wherein said step of displaying and executing the web content further comprising the steps of: sending user information to the requested web service by the browser responsive to the web content (col.6 lines 2-8 and 32-38; *Wood et al.*: col.6 lines 36-50); and, directing the browser to a requested web service responsive to the web content (col.6 lines 24-31 and 38-42; *Wood et al.*: col.6 lines 51-61).

u. **Claim 22** is substantially similar to claim 21 and is therefore rejected under the same basis.

v. **Per claim 23**, *Anderson* teaches the method according to claim 19 wherein said step of accessing the personal imaging repository further comprising the steps of: connecting with the composition store of the personal imaging repository by the web service (col.6 lines 5-8 and 19-23); obtaining a list of the imaging composition stored in the composition store by the web service (col.6 lines 19-27); constructing a web content including a list of the imaging composition by the web service and control for selecting the available service (col.6 lines 24-29); and, sending the constructed web content to the browser by the web service for user selection (col.6 lines 28-34).

w. **Per claim 24**, *Anderson* teaches the method according to claim 23 further comprising the steps of: receiving the constructed web content from the web service by the browser (col.6 lines 24-29); and, displaying the constructed web content for user selections by the browser (col.6 lines 30-38).

x. **Per claim 25**, *Anderson* teaches the method according to claim 23 further comprising the steps of: requesting a selected composition in a specialized format from the composition store by the web service responsive to user selection; receiving a request for user selected composition in a specified format from the web service by the composition store; obtaining each imaging data indicated by the selected composition from its proper location; sending the imaging data linked from the user selected composition in the specified format to the web service by the composition store; and, receiving the imaging data in the specified format from the composition store by the web service (col.6 lines 21-42).

y. **Per claim 26**, *Wood et al* teach the method as defined in claim 25 wherein said step of sending the imaging data further comprising the steps of: determining whether the imaging data needs to be converted into the specified format; and, converting the imaging data in the specified format when the imaging needs to be converted into the specified format (col.4 lines 22-31, col.6 lines 10-14, col.8 lines 31-47, col.24 lines 40-67).

z. **Per claim 27**, *Anderson* teaches the method according to claim 19 wherein said step of accessing the personal imaging repository further comprising the steps of: connecting with the imaging data store of the personal imaging repository indicated from the user information; and, transferring the imaging data to the imaging data store (col.5 lines 20-35, col.5 line 64-col.6 line 8, col.6 lines 19-42).

aa. **Per claim 29**, *Wood et al* teach the method according to claim 27 further comprising the steps of: connecting with the imaging data store further comprising the steps of: determining whether the connection with the imaging data store is successful; and, returning an error message to the user when the connection is not successful (col.6 lines 25-43).

bb. **Claim 30** is substantially equivalent to claims 8 and 26 and is therefore rejected under the same basis.

cc. **Claim 31** is substantially equivalent to claim 9 and is therefore rejected under the same basis.

dd. **Per claim 32**, *Anderson* teaches the method according to claim 27 further comprising the steps of: obtaining a link reference of the transferred imaging data stored in the personal imaging data store; connecting with the composition store of the personal imaging repository indicated from the user information; creating an imaging composition having a link reference to the imaging data stored in the personal imaging data store; and, saving the imaging composition to the composition store (col.6 lines 5-37).

ee. **Claim 34** is substantially similar to claim 29 and is therefore rejected under the same basis.

ff. **Per claim 35**, *Anderson* teaches method according to claim 32 wherein said step of creating an imaging composition further comprising the step of adding the link reference of the imaging data stored in the imaging data store to the imaging composition (col.5 lines 20-30, col.6 lines 5-18; *Wood et al*: col.5 lines 44-48).

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7. **Claims 28 and 33** are rejected under 35 U.S.C. 103(a) as being unpatentable over *Anderson* (US 6,499,016) and *Wood et al* (US 6,732,162) in further view of *Morris et al* (US 6,353,848).

a. **Per claim 28**, *Anderson et al* and *Wood et al* teach the method according to claim 27 as applied above, yet fail to explicitly teach the method further comprising the steps of: obtaining a link reference of the transferred imaging data stored in the personal imaging data store; and, disconnecting from the imaging data store by the requested web service. However, *Morris et al* teach obtaining a link reference of the stored imaging data and disconnecting by the web service (col.13 lines 30-52 and col.16 lines 39-67).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of *Anderson* and *Wood et al* with *Morris et al* for the purpose of establishing a link reference, wherein the data can be accessed via the link without the connection of the imaging data store and web service because this allows for efficient and quicker accessibility to the data.

b. **Claim 33** is substantially similar to claim 28 and is therefore rejected under the same basis.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Narayen et al (6,035,323), Naito et al (6,628,417), Barraclough et al (6,301,607), Wood et al (6,895,557), Schiller et al (6,442,573), Safai (6,715,003).

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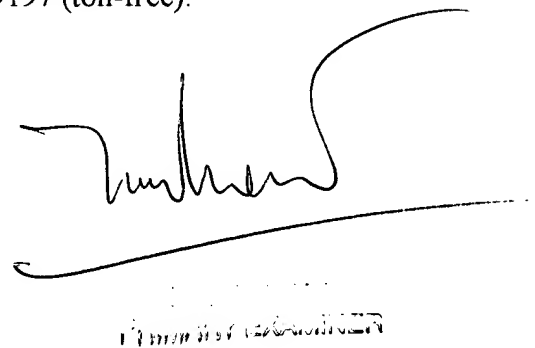
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kristie Shingles whose telephone number is 571-272-3888. The examiner can normally be reached on Monday-Friday 8:30-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571-272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kristie Shingles
Examiner
Art Unit 2141

kds



Kristie Shingles